

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEVIN GAMBLE,

Plaintiff,

**NOTICE OF
MOTION**

-against-

9:05-CV-1097
(TJM)(GJD)

J. ISAACS, Officer, Elmira Correctional Facility,

Defendant.

PLEASE TAKE NOTICE THAT upon the accompanying memorandum of law and affirmation, the undersigned shall move this Court for an order pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure dismissing the complaint on the ground of improper venue, as a submission before the Honorable Gustave J. DiBianco, United States Magistrate Judge, United States District Court, Northern District of New York, United States Courthouse, Syracuse, New York, on March 30, 2006.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 7.1 of the Local Rules of Practice of the United States District Court for the Northern District of New York, any papers to be submitted in opposition to this motion must be filed with the Clerk of the Court, and served upon counsel for the defendants no later than seventeen (17) days before the return date of the motion, exclusive of that day.

Dated: Syracuse, New York
January 30, 2006

ELIOT SPITZER
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New York
Attorney for the Defendant

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TO: Kevin Gamble
Plaintiff *pro se*